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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,987	09/07/2000	Marcel Rene Bohmer	PHN 17, 631	2245
24737	7590	04/20/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			WILLIAMS, JOSEPH L	
			ART UNIT	PAPER NUMBER
			2879	
DATE MAILED: 04/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/656,987	Applicant(s) BOHMER ET AL.	
	Examiner Joseph L. Williams	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-30 is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on 06 February 2004 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-14, 19, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitman et al. (US 5,578,892), of record.

Regarding claim 11, Whitman ('892) discloses in figure 1a and in column 2, line 42 through column 3, line 2 an electric lamp (10) comprising a light source (16) operable to emit visible light; and a light-transmitting lamp vessel (12) accommodating the light source (16) whereby the visible light propagates through the light-transmitting lamp vessel (12) which accommodates the source (16), and a light-absorbing coating (11), wherein the light-absorbing coating (11) at least partially covering the light-transmitting lamp vessel (12), the light-absorbing coating (11) including an organically modified silane network (see column 4, lines 31-34 read "methyl trimethoxy silane") and a plurality of pigments (see abstract) dispersed through the organically modified silane network, the plurality of pigments particles for absorbing a first portion of the visible light propagating the through the light-absorbing coating (11) without generating a light

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scattering of a second portion of the visible light propagating through the light-absorbing coating (11) (the properties of praseodymium doped zircon mixed with silica).

Regarding claim 12, Whitman ('892) teaches in column 5, lines 56-59 that the average diameter of the plurality of pigment particles is less than 50 nm (read 1/8 inch diameter).

Regarding claim 13, Whitman ('892) teaches the light-absorbing coating is in liquid form prior to being coated on the light-transmitting lamp vessel; and wherein the liquid form of the light-absorbing material includes a hydrolysis mixture including the organically modified silane network and at least one liquid mixture including a dispersion of the plurality of pigments therein. (see, in part, column 4, lines 31-65)

Regarding claim 14, Whitman ('892) teaches the plurality of pigment particles are dispersed throughout the organically modified silane network prior to the at least partial covering of the light-absorbing coating on the light-transmitting lamp vessel.

Regarding claim 19, Whitman ('892) teaches the organically modified silane network includes a plurality of silica particles.

Regarding claims 21-23, Whitman ('892) teaches the pigment particles are inorganic pigment particles, organic particles, or a mixture of both (praseodymium doped zircon mixed with silica).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman et al. (US 5,578,892), in view of Tsukada et al. (US 6,129,980), of record.

Regarding claim 15, Whitman ('892) teaches all of the disclosed limitations except for the organically modified silane being selected from the group formed by the compounds of the following formula: $R^I Si(OR^{II})_3$, wherein R^I comprises an alkyl group or an aryl group, and wherein R^{II} comprises an alkyl group.

Further regarding claim 15, Tsukada ('980) teaches in column 2, lines 9-50 an organically modified silane being selected from the group formed by the compounds of the following formula: $R^I Si(OR^{II})_3$, wherein R^I comprises an alkyl group or an aryl group, and wherein R^{II} comprises an alkyl group for the purpose of improving the visibility of the emitted light.

Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the organically modified silane of Tsukada in place of the organically modified silane on the lamp of Whitman for the purpose of reducing reflectance and improving the visibility of the emitted light.

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Regarding claim 16, Tsukada ('980) discloses in column 2, line 60 through column 3, line 63 that R^I can comprise CH_3 .

The reason for combining is the same as for claim 15 above.

Regarding claim 17, Tsukada ('980) discloses in column 2, line 60 through column 3, line 63 that R^{II} can be comprised of CH_3 or C_2H_5 .

The reason for combining is the same as for claim 15 above.

Regarding claim 18, Tsukada ('980) discloses in column 23, line 8 through column 26, line 4 (example 1), that the thickness of the film is greater than 1 micron.

The reason for combining is the same as for claim 15 above.

Regarding claim 20, Tsukada ('980) discloses that the silica is made of "fine particles" and defines fine particle to mean grain size of at least 50 nm (see column 22, lines 42-43).

The reason for combining is the same as for claim 15 above.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman et al. (US 5,578,892) in view of Kawai et al. (US 5,359,255).

Regarding claims 24 and 25, Whitman ('892) discloses all of the claimed limitations except for the claims lamp housing (claim 24) and reflector (claim 25).

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Further regarding claims 24 and 25, Kawai ('255) teaches in figure 2 a lamp housing (77) and reflector (73) for a discharge lamp for the purpose of directing the light beam forward and thus improve the brightness of the lamp.

Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp housing and reflector of Kawai with the lamp of Whitman for the purpose of directing the light beam forward and thus improve the brightness of the lamp.

Allowable Subject Matter

3. Claims 26-30 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding independent claim 26, the prior art of record neither shows nor suggest a single a light-absorbing coating, wherein the light-absorbing coating at least partially covering the light-transmitting lamp vessel whereby the visible light propagates into the single layer light-absorbing coating, the single layer including an organically modified silane network and a plurality of pigments dispersed through the organically modified silane network, the plurality of pigments particles for absorbing a first portion of the visible light propagating the through the light-absorbing coating without generating a light scattering of a second portion of the visible light propagating through the light-absorbing coating, along with the other limitations of the claim.

Due to their dependency, claims 27-30 are necessarily allowable

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments filed 06 February 2004 have been fully considered but they are not persuasive.

Regarding independent claim 11, the Applicant has argued that the prior art of record (Whitman et al.) does not teach the plurality of pigments particles for absorbing a first portion of the visible light propagating through the light-absorbing coating without generating a light scattering of a second portion of the visible light propagating through the light-absorbing coating.

The Examiner respectfully points out that this limitation is a functional language limitation. A structural claim is defined by what an invention is, not what it does. Please see MPEP 2114 (R-1).

Additionally, the Whitman et al. ('892) reference is structural the same as that of the claimed invention, and therefore it is the opinion of the Examiner that Whitman ('892) still reads upon claim 11.

Furthermore, the Examiner respectively points out that the specification of the instant application waivers between disclosing that the instant invention has no backscattering and the backscattering being "reduced considerably" (see instant application, specification, page 6, lines 4-6).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph Williams

Examiner
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